

The board may deny a student enrollment, or may deny a student attendance at any of its schools by expulsion, for the following reasons:

1. The student is a habitual truant, is incorrigible, or whose conduct, in the judgment of the board, is such as to be continually disruptive of school discipline or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other students, or who has possessed a deadly or dangerous weapon or firearm on school property.
2. The student has been expelled from another school district in this state or any other state.
3. The parent/guardian fails to furnish, or to request of the out-of-state school from which the student is transferring, school records for a student transferring into this district. The parent/guardian of a student transferring from out-of-state to a school in this district is required, if requested, to furnish the district accurate copies of the student's school records, including records containing information concerning violent or disruptive behavior or disciplinary action involving the student.

Any student having been denied enrollment or expelled may be enrolled or readmitted to school by the board upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission will not prevent the board from subsequently expelling such student for cause.

For purposes of this policy, the terms "possess," "deadly or dangerous weapon," and "firearm" have the same meanings as provided in Idaho Code §18-3302D.

### **WEAPONS VIOLATION**

The board will expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have possessed a firearm on school property in this state or any other state. The board may modify the expulsion or denial of enrollment order on a case-by-case basis when the board determines reasonable conditions apply and the student's presence is not detrimental to the health and safety of other students. An authorized representative of the board will report such student and incident to the appropriate law enforcement agency.

### **SPECIAL EDUCATION STUDENTS**

Discipline of a student with disabilities will be in accordance with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504) as well as the provisions of this policy.

**DUE PROCESS RIGHTS**

No student will be expelled or denied enrollment without first receiving the following due process rights:

1. The board, through the superintendent or his or her designee, will give written notice to the parent/guardian of the student;
2. The notice will state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent/guardian may appear to contest the action of the board to deny school attendance;
3. The notice will also state the right of the student to be represented by counsel, to produce witnesses, and submit evidence on his or her own behalf, and to cross-examine any adult witnesses who may appear against him or her.
4. Within a reasonable period of time following such notification, the board will grant the student and his or her parent/guardian a full and fair hearing on the proposed expulsion or denial of enrollment.
5. The board will allow a reasonable period of time between such notification and the holding of such hearing to allow the student and the parent/guardian to prepare their response to the charge.
6. A record of the board’s decision will be placed in the student’s educational record and in the official records of the board.
7. Any student who was within the age of compulsory attendance at the time of the violation(s), who is expelled or denied enrollment as herein provided, will come under the purview of the Juvenile Corrections Act, and an authorized representative of the board will provide, within five (5) days, written notice of the expulsion to the prosecuting attorney of the county of the student’s residence in such form as the court may require under the provisions of the Juvenile Corrections Act.



**LEGAL REFERENCE:**

Idaho Code Sections

33-205 – Denial of School Attendance

33-209 – Transfer of Student Records – Duties

18-3302D – Possessing Firearms or Weapons on School Property

20-527 – School Trustees to Report Students

Public Law 94-142 (Individuals with Disabilities Education Act)

Section 504 of the Rehabilitation Act of 1973

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